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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-492

13 **CHRISTIAN SAN VICENTE TALLARA**
25320 Clarke Street
14 Stevenson Ranch, CA 91381

A C C U S A T I O N

15 Registered Nurse License No. 784510

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about September 28, 2010, the Board of Registered Nursing issued Registered
23 Nurse License Number 784510 to Christian San Vicente Tallara (Respondent). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on January 31, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
2 functions, and duties of a registered nurse, in which event the record of the conviction shall be
3 conclusive evidence thereof."

4 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
6 to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
7 Board may renew an expired license at any time within eight years after the expiration.

8 **REGULATORY PROVISIONS**

9 8. California Code of Regulations, title 16, section 1444 states, in pertinent part:

10 "A conviction or act shall be considered to be substantially related to the qualifications,
11 functions or duties of a registered nurse if to a substantial degree it evidences the present or
12 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
13 safety, or welfare."

14 **COST RECOVERY**

15 9. Section 125.3 provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licensee found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Conviction of a Substantially Related Crime)**

21 10. Respondent is subject to disciplinary action under Section 2761, subdivision (f) and
22 490, in conjunction with California Code of Regulations, title 16, Section 1444, in that
23 Respondent has been convicted of a crime substantially related to the qualifications, functions, or
24 duties of a registered nurse. On or about November 16, 2011, after pleading nolo contendere,
25 Respondent was convicted of one misdemeanor count of violating Penal Code section 273.5,
26 subdivision (a) [inflict corporal injury on spouse] in the criminal proceeding entitled *The People*
27 *of the State of California v. Christian San Vicente Tallara* (Super. Ct. 2011, No. 1NW03789).
28 The Court sentenced Respondent to serve 10 days in Los Angeles County Jail, placed him on

1 three years probation, and ordered him to complete a 52-week domestic violence counseling
2 program, among other terms and conditions. During the sentencing, Respondent admitted
3 liability to make restitution to the victim, but disputed the amount. The circumstances
4 surrounding the conviction are as follows:

5 11. On or about November 13, 2011, Respondent and his wife had a verbal argument.
6 Respondent's wife told a Los Angeles County Sheriff's Deputy that Respondent grabbed her by
7 both arms, pulled her away from the front door as she was trying to leave, and slapped her on the
8 face three times and hit her in the back when she attempted to run upstairs. Respondent also
9 covered her mouth and nose with his right hand, suffocating her with one hand and choking her
10 with the other. She pleaded to leave and he eventually let her leave. Respondent's wife was
11 observed and photographed with bruises on both forearms, her left shin and her right lower jaw
12 line, and she complained of pain to her back. Respondent denied slapping and hitting his wife,
13 and claimed he put his hand over her mouth only to quiet her down because she was screaming
14 loudly. He claimed that he held her forearms to stop her from driving while she was upset.
15 Respondent was shown photos of his wife's bruises and he indicated she "bruises easily". On or
16 about November 14, 2011, Respondent was arrested for a violation of Penal Code section 273.5,
17 subdivision (a) [inflict corporal injury on spouse] and taken into custody.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct)**

20 12. Respondent is subject to disciplinary action under Section 2761, subdivisions (a) and
21 (d), in that on or about November 13, 2011, Respondent committed acts which constitute
22 unprofessional conduct. Complainant refers to, and by this reference incorporates, the allegations
23 set forth above in Paragraphs 10 and 11, as though set forth fully.

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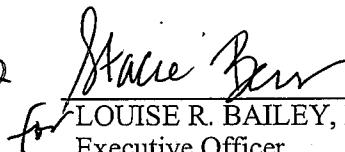
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. 784510, issued to Christian San Vicente Tallara;
2. Ordering Christian San Vicente Tallara to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: December 17, 2012


for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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